

City of Carmel

Common Council

**March 6, 2006
6:00 P.M.**

COMMON COUNCIL MEETING AGENDA

MONDAY, MARCH 6, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. February 20, 2006 Regular Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - Payroll
 - General Claims
 - Retirement
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

- a. **Third Reading of Ordinance Z-485-05, As Amended**; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann.

11. **PUBLIC HEARINGS**

- a. **First Reading of Ordinance Z-487-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification (30 Parcels along Range Line Road from US 31 to just South of 136th Street); Sponsor: Councilor Rattermann.

12. **NEW BUSINESS**

- a. **First Reading of Ordinance D-1795-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 4, Sections 8-37 of the Carmel City Code (15-Minute Loading Zones); Sponsor: Councilor Sharp.
- b. **First Reading of Ordinance D-1798-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Issuance of the City of Carmel, Indiana Taxable Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, LLC Project), and the Lending of the Proceeds Thereof to Indiana Design Center, LLC, and Authorizing and Approving Other Actions in Respect Thereto (\$4,000,000); Sponsor(s): Councilor(s) Kirby and Sharp.
- c. **First Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp.

13. **OTHER BUSINESS**

- a. Council Appointments
 - 1. City of Carmel Cable TV Advisory Committee (Two year term, beginning April 1, 2006), one Council appointment, one Mayoral appointment.
- b. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

COMMON COUNCIL MEETING MINUTES

MONDAY, FEBRUARY 20, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Rick Sharp, Council Members Kevin Kirby, Brian Mayo, Fred Glaser, Ron Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine

Councilor Joe Griffiths was absent.

Pastor David Totman, Lighthouse Tabernacle, pronounced the Invocation.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the February 6, 2006 Regular Meeting. Councilor Glaser seconded. Council President Sharp called for the question. The Minutes were approved 6-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Council President Sharp announced the cancellation of the Council meeting scheduled for Monday, April 3, 2006.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$2,034,542.42. Councilor Glaser seconded. Council President Sharp called for the question. Claims were approved 6-0.

1 **COMMITTEE REPORTS:**

2
3 Councilor Rattermann reported that the Finance, Administration and Rules Committee had not met.

4
5 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on
6 Thursday, February 9, 2006. Jeff Burt from the Hamilton County Alliance gave an update on Economic
7 Development and the new job prospects in Carmel and Clay Township. The committee discussed
8 Ordinance Z-486-06. An amendment will be presented to Council. The ordinance was sent to the full
9 Council with a 3-0 favorable recommendation.

10
11 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting
12 will be held on Monday, March 14, 2006 at 3:00 p.m.

13
14 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.

15
16 **OLD BUSINESS**

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18 Council President Sharp announced the **Second Reading of Ordinance Z-486-06**; An Ordinance of the
19 Common Council of the City of Carmel, Indiana, Updating a Variety of Provisions of the Carmel Zoning
20 and Subdivision Control Ordinances (Chapters 3, 6, 9, 23F, 25 and 25-07). Councilor Rattermann
21 presented this item to Council. Councilor Carter made a motion to amend page 2 to add verbiage to lines
22 22 and 23. Councilor Carter also made a motion to amend page 9, delete lines 1-5, and lines 6-18 to add
23 new verbiage. There was brief Council discussion. Councilor Carter revised his amendment for page 2,
24 lines 21, 22 and 23 to read: . . . standards *as determined by the City Engineer prior to acceptance*. All
25 required improvements to be at the home owners' association's expense *unless otherwise waived by*
26 *majority passage of a resolution of the Carmel City Council*. Councilor Rattermann seconded. Council
27 President Sharp called for the question. The motion to amend Ordinance Z-486-06, VERSION A
28 02/20/2006 was approved. There was no Council discussion. Council President Sharp called for the
29 question. **Ordinance Z-486-06, As Amended** was adopted 6-0.

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31 **PUBLIC HEARINGS**

32
33 There were none.

34
35 **NEW BUSINESS**

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37 Council President Sharp announced **Resolution CC-02-20-06-01 (Formerly CC-01-23-06-02,**
38 **CC-02-06-06-02)**; A Resolution of the Common Council of the City of Carmel, Indiana, Amending the
39 Contract with the Carmel Professional Firefighters Association (Local #4444). Councilor Mayo presented
40 this item to Council and made a motion to amend the Labor Agreement, page 6, line 19; The City *may, at*
41 *the City's sole discretion*,. Councilor Rattermann seconded. There was brief Council discussion.
42 Councilor Kirby made a motion to introduce this item into business. Councilor Mayo seconded. Council
43 President Sharp called for the question. The motion to approve the amendment as written (Labor
44 Agreement (VERSION B 02/20/06)) was approved 6-0. There was brief Council discussion. Councilor
45 Mayo referred to Matt Hoffman, Secretary of Local #4444 and Orbie Bowles, President of Local #4444,
46 for clarification. There was additional Council discussion. Council President Sharp called for the
47 question. **Resolution CC-02-20-06-01 (Labor Agreement VERSION B 02/20/06)** was adopted 6-0.

Council President Sharp announced **Resolution CC-02-20-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving Certain Matters in Connection with the CRC Parcel #12 Economic Development Area (Corner of 1st Street SW and South Rangeline Road). Councilor Kirby made a motion to introduce this item into business. Councilor Mayo seconded. Councilor Carter presented this item to Council. There was brief Council discussion. Councilor Glaser referred to Bruce Donaldson, Barnes & Thornburg, 11 South Meridian Street, Indianapolis, IN 46204, for clarification. There was additional Council discussion. Council President Sharp called for the question.

Resolution CC-02-20-06-02 was adopted 5-1 (Councilor Rattermann opposed).

Council President Sharp passed the gavel to Councilor Glaser to address the Council.

Council President Sharp made a motion to Add-On Ordinance D-1796-06 and Ordinance D-1797-06 to the agenda. Councilor Mayo made a motion to suspend the rules and add the items to the agenda. Councilor Kirby seconded. Councilor Glaser called for the question. The motion to Add-On Ordinance D-1796-06 and Ordinance D-1797-07 to the agenda was approved 6-0.

Council President Sharp reclaimed the gavel from Councilor Glaser.

OTHER BUSINESS

Notice of Cancellation of Outstanding Warrants for fiscal year 2003 – Clerk-Treasurer Diana L. Cordray. Council President Sharp informed Council the Clerk-Treasurer is only required to notify Council of this information.

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This Ordinance remains tabled.

Second Reading of Ordinance Z-485-05; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann. PLAN COMMISSION. This Ordinance remains in PLAN COMMISSION.

AGENDA ADD-ON'S

Council President Sharp announced the **First Reading of Ordinance D-1796-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Repealing Ordinance D-1790-06; Sponsor: Councilor Sharp. Councilor Carter made a motion to introduce this item into business. Councilor Glaser seconded. Council President Sharp passed the gavel to Councilor Glaser. Councilor Sharp presented this item to Council. There was no Council discussion. Councilor Glaser called for the question. **Ordinance D-1796-06** was adopted 6-0.

Council President Sharp announced the **First Reading of Ordinance D-1797-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Sharp. Councilor Carter made a motion to introduce this item into business. Councilor Glaser seconded. Councilor Sharp

1 presented Ordinance D-1796-06 and Ordinance D-1797-07 to Council. Councilor Mayo made a motion
2 to suspend the rules and not send Ordinance D-1796-06 and Ordinance D-1797-06 to committee and vote
3 on the two ordinances this evening. Councilor Glaser seconded. Councilor Glaser called for the question.
4 The motion was approved 6-0. There was no Council discussion. Councilor Glaser called for the
5 question. **Ordinance D-1797-06** was adopted 6-0.

6
7 Council President Sharp reclaimed the gavel.

8
9 **ANNOUNCEMENTS**

10
11 There were none.

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13 **EXECUTION OF DOCUMENTS**

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15 Mayor Brainard adjourned the meeting at 6:47 p.m.

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17 **ADJOURNMENT**

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19 Respectfully submitted,

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23 _____
24 Clerk-Treasurer Diana L. Cordray, IAMC

25 Approved,

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30 Mayor James Brainard

31 ATTEST:

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36 Clerk-Treasurer Diana L. Cordray, IAMC

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PLAN COMMISSION REPORT

TO: Carmel City Council

FROM: Adrienne Keeling
On behalf of the Carmel Plan Commission

SUBJECT: Z-485-05, As Amended

DATE: February 22, 2006

You may recall that Ordinance Z-485-05 was amended by Council at its January 23, 2006 meeting for the purpose of clarifying paving and curbing requirements on private parking lots. Indiana Code requires the Plan Commission to approve or disapprove any amendments made by the legislative body to a Plan Commission-Certified Ordinance. Therefore, the Ordinance was sent back to the Plan Commission and Council signatures were held pending the Ordinance's approval from the Plan Commission.

On February 21, 2006, the Plan Commission took official action to approve the City Council's amendments to Z-485-05 (Parking Regulations). Therefore, the Department respectfully requests that the Council take final action to adopt Ordinance Z-485-05, As Amended.

ORDINANCE Z-485-05
AS AMENDED

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

An Ordinance amending the parking requirements in the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the “Comprehensive Plan”) Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to amend development standards in the Zoning Ordinance for automobile and bicycle parking; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning Ordinance is incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 *et seq.* and after **Docket No. 05090001 OA** having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, November 15, 2005, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), to read as follows:

Section I:

CHAPTER 27: ADDITIONAL PARKING & LOADING REGULATIONS

a. Amend *Chapter 27: Additional Parking & Loading Regulations* as follows:

27.00 Additional Parking and Loading Regulations.

27.00.01 The required number of parking spaces for any use permitted in a district is set forth in *Section 27.0508*. The required number of loading spaces for any use permitted in a district is set forth in the regulations for that district. The following regulations establish requirements for computing spaces, the location of spaces and minimum improvements.

1 **27.01 Computation of Number of Required Spaces.**

2 In computing the number of required off-street and/or on-street parking spaces, the following rules shall
3 apply:

4 27.01.01 Floor area shall mean the gross floor area of the specific use, excluding any floor or portion
5 thereof used for parking, as herein defined.

6 27.01.02 Where fractional spaces result, the parking spaces required shall be the nearest whole number.

7 27.01.03 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of
8 the various uses computed separately.

9 27.01.04 The parking space requirements for a use not specifically listed in the chart shall be the same as
10 for a listed use of similar characteristics of parking demand generation.

11 27.01.05 On-street parking spaces may be substituted at a rate of two on-street spaces per three required off-
12 street spaces provided that the total number of parking spaces is not reduced by more than ten
13 percent (10%).

14 27.01.06 Whenever a building or use is reconstructed or is enlarged to the extent of twenty percent (20%) or
15 more in gross floor area, said building or use in its entirety shall then and thereafter comply with
16 the parking requirements set forth herein. Any enlargement or change in use of less than twenty
17 percent (20%) of the gross floor area shall be provided with additional parking based on the
18 requirement for the enlargement or change.
19
20

21 **27.02 Location of Required Parking Spaces.**

22 All parking spaces required herein shall be located as follows:

23 ~~27.02.01 The parking spaces required for residential buildings or uses shall be located on the same lot with~~
24 ~~the building or use served.~~

25 27.02.01 ~~The parking~~ Off-street parking spaces ~~required for any other building or use~~ may be located on an
26 area within three hundred (300) feet of said building, ~~and two or more owners of buildings may~~
27 join together in providing the required parking spaces. Where the required parking spaces are not
28 located on the same lot with the building or use served, the usage of the lot or tract upon which
29 said parking spaces are provided shall be restricted by an instrument of record describing the
30 premises for which said parking is provided and assuring the retention of such parking so long as
31 required by this Ordinance.

32 27.02.02 Parking spaces in any Business, Industrial or Manufacturing District shall not be located closer
33 than five (5) feet to any lot or parcel located in a residential district or used for residential
34 purposes.

35 27.02.03 Parking spaces may be located on any part of a lot, unless otherwise specified herein. Parking
36 spaces shall not be located in any required greenbelt or lawn area.

37 27.02.04 On-street parking spaces which are counted toward total requirement must be located in the right-
38 of-way immediately adjacent to the lot.
39
40

41 **27.03 Parking Facilities.**

42 ~~27.03.01 All parking lots shall be paved with a dustless, hard surface. All off street and on street parking~~
43 ~~spaces, parking lots, garages and structures shall conform with the current standards of the City of~~
44 ~~Carmel.~~

45 27.03.01 All parking lots shall be paved with hot mix asphalt or concrete installed in accordance with the
46 current standards of the City of Carmel. A waiver from the requirement for hot mix asphalt or
47 concrete surfaces shall be considered if hot mix asphalt or concrete porous pavement is proposed

as an on-site stormwater quality best management practice or as a component of the detention facility. Dimensions of parking spaces for on-street parking facilities, off-street parking facilities, including parking garages or other structures, shall be in accordance with the current standards of the City of Carmel.

~~27.03.02 All parking lots shall be curbed. All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities. Traffic control in all parking lots shall be by means of curbed traffic islands. Design of the above requirements shall conform with the current standards of the City of Carmel.~~

27.03.02 The perimeter of all parking lots, and any islands located therein, shall be curbed with Combined Curb and Gutter Type II, Combined Curb and Gutter Type III or Straight Concrete Curb meeting the current standards of the City of Carmel. A waiver from the requirement for perimeter or island curbing shall be considered if the proposed on-site storm water quality best management practices require that curbing, or portions thereof, not be installed. A stormwater collection, conveyance, detention and treatment system, designed in accordance with applicable City Standards, Policies and Ordinances, shall be installed for all parking lots. Traffic control within all parking lots shall be by means of curbed islands. Pavement markings and traffic control devices shall conform to the requirements of the Indiana Manual of Uniform Traffic Control Devices, latest revision.

27.03.03 A shelter for the use of a parking lot attendant may be maintained on the lot.

27.04 Additional Off-Street Loading Requirements.

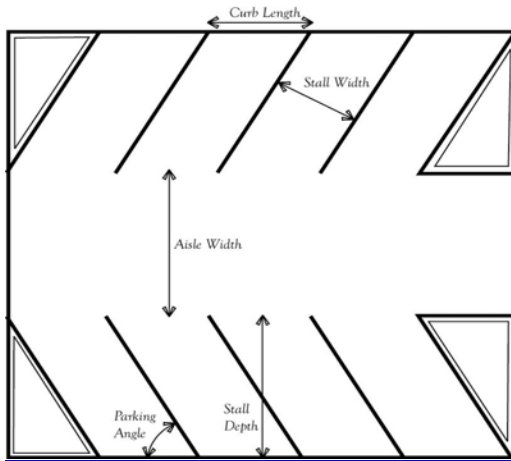
In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty (50) feet in depth shall be provided on the lot on which the commercial, industrial or manufacturing use is located

27.05 Parking Dimension Design.

27.05.01 Required Parking Dimensions Table.

<u>Angle</u>	<u>Width</u>	<u>Curb Length</u>	<u>One Way Aisle Width</u>	<u>Two Way Aisle Width</u>	<u>Stall Depth</u>
<u>0°</u>	<u>23'</u>	<u>23'</u>	<u>12'</u>	<u>20'</u>	<u>9'</u>
<u>30°</u>	<u>9'</u>	<u>18'</u>	<u>12'</u>	<u>20'</u>	<u>15'</u>
<u>45°</u>	<u>9'</u>	<u>12' 9"</u>	<u>15'</u>	<u>22'</u>	<u>16'</u>
<u>60°</u>	<u>9'</u>	<u>10' 5"</u>	<u>18'</u>	<u>24'</u>	<u>17'</u>
<u>90°</u>	<u>9'</u>	<u>9'</u>	<u>20'</u>	<u>25'</u>	<u>18'</u>

27.05.02 Required Parking Dimensions Diagram.



27.06 Bicycle Parking

To add another viable means of transportation to our community, better facilities for the parking of bicycles must be provided. It is the purpose of this Section to provide adequate and safe facilities for the storage of bicycles. With this goal in mind the provision for an ample number of properly located and secure bicycle facilities is a vital building block in the development of a compatible, attractive bicycling network.

27.06.01 The bicycle parking requirements in this Section shall apply to new development and/or building expansions requiring Commission or Board approval.

27.06.02 The required number of bicycle parking spaces shall be provided as follows:

- A. For multi family residences, there shall be a minimum of one (1) bicycle parking space for every three dwelling units.
- B. In the case of commercial or retail venues, bicycle parking spaces shall be required at a rate of five (5) bicycle parking spaces per one hundred (100) required automobile parking spaces, unless in a specific case the Transportation Systems Coordinator has deemed that less bicycle parking is needed.
- C. The minimum number of bicycle parking spaces to be provided at each site is four (4). The maximum number of bicycle parking spaces to be required is forty (40).
- D. Recreational areas shall provide bicycle parking spaces at a rate of thirty (30) bicycle parking spaces per one hundred (100) required automobile parking spaces.
- E. Educational institutions shall have 1 bicycle parking space per 20 students kindergarten through 5th grade. Institutions with grades 6th through 8th shall have 1 bicycle parking space per 30 students. Institutions having children 9th through the 12th grade shall have 1 bicycle parking space per 50 students.
- F. Exemptions to the above guidelines shall apply to the following establishments. Single and Two-Family dwellings, warehousing and distribution, mortuaries, auto service, day care centers, car washes, drive up establishments and airports. Exemptions may also be considered for establishments where it can be clearly demonstrated that it is not a destination for the general public utilizing bicycles, as determined by the Transportation Systems Coordinator.

27.06.03 The location and design of bicycle parking spaces shall be provided as follows:

- A. The parking device must be an inverted U-type or an A-type structure unless otherwise approved by the Transportation Systems Coordinator (TSC). An approved list of usable structures can be obtained from the office of the TSC. (Diagram 1)

- 1 B. Structures requiring a user supplied locking device shall be designed to accommodate
2 both a chain and U-type locking device and shall have the capability to support the
3 bicycle at two locations.
- 4 C. All racks must be coated with a Thermoplastic powder coating, and the Transportation
5 Systems Coordinator must approve the color of the racks.
- 6 D. All racks shall be securely anchored to the ground to prevent the racks from unauthorized
7 removal.
- 8 E. The bicycle parking areas must have adequate separation from motor vehicle parking
9 areas to protect parked bicycles from damage by the motor vehicles and to prevent
10 damage to motor vehicles. The separation can come from grade differences, landscaping,
11 poles, physical barriers or other similar features.
- 12 F. The bicycle parking areas must be installed on a hard dustless surface that allows the
13 parking structure to be securely fastened to the ground.
- 14 G. Bicycle parking spaces shall be a minimum of 2 feet by 6 feet per bicycle. (Diagram 2)
- 15 H. Bicycle racks must be installed a minimum of 24 inches from all walls or obstructions.
16 (Diagram 2)
- 17 I. Bicycle racks mounted in a row should be placed on 30-inch centers. (Diagram 2).
- 18 J. Bicycle racks must also have a minimum of 5 feet of clearance behind the bicycle to
19 allow for room to maneuver. (Diagram 2)
- 20 K. The bicycle rack shall be placed within fifty (50) feet of the entrance designated as the
21 main entrance of the building for which the racks are required. The bicycle parking areas
22 should be located in a clearly safe and convenient location as to not discourage their use.
- 23 L. Bicycle parking areas shall be easily accessible from all trails, sidewalks and other
24 alternative transportation facilities. Access to bicycle racks from these facilities shall be
25 direct and clearly designated.
- 26 M. Bicycle parking can be shared by two venues in the case that all of the venues' entrances
27 are within fifty (50) feet of another.
- 28 N. Bicycle racks should be placed so as to not impede the flow of pedestrian traffic but still
29 possess the ability to be visually monitored.
- 30 O. Bicycle parking areas shall be placed in a location that is visible from the building
31 entrance and with proper lighting to ensure security.
- 32

Diagram 1: Bicycle Rack Type.

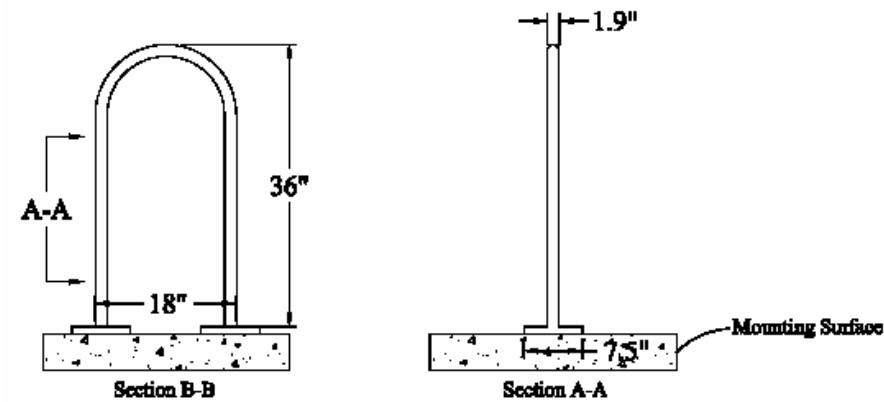
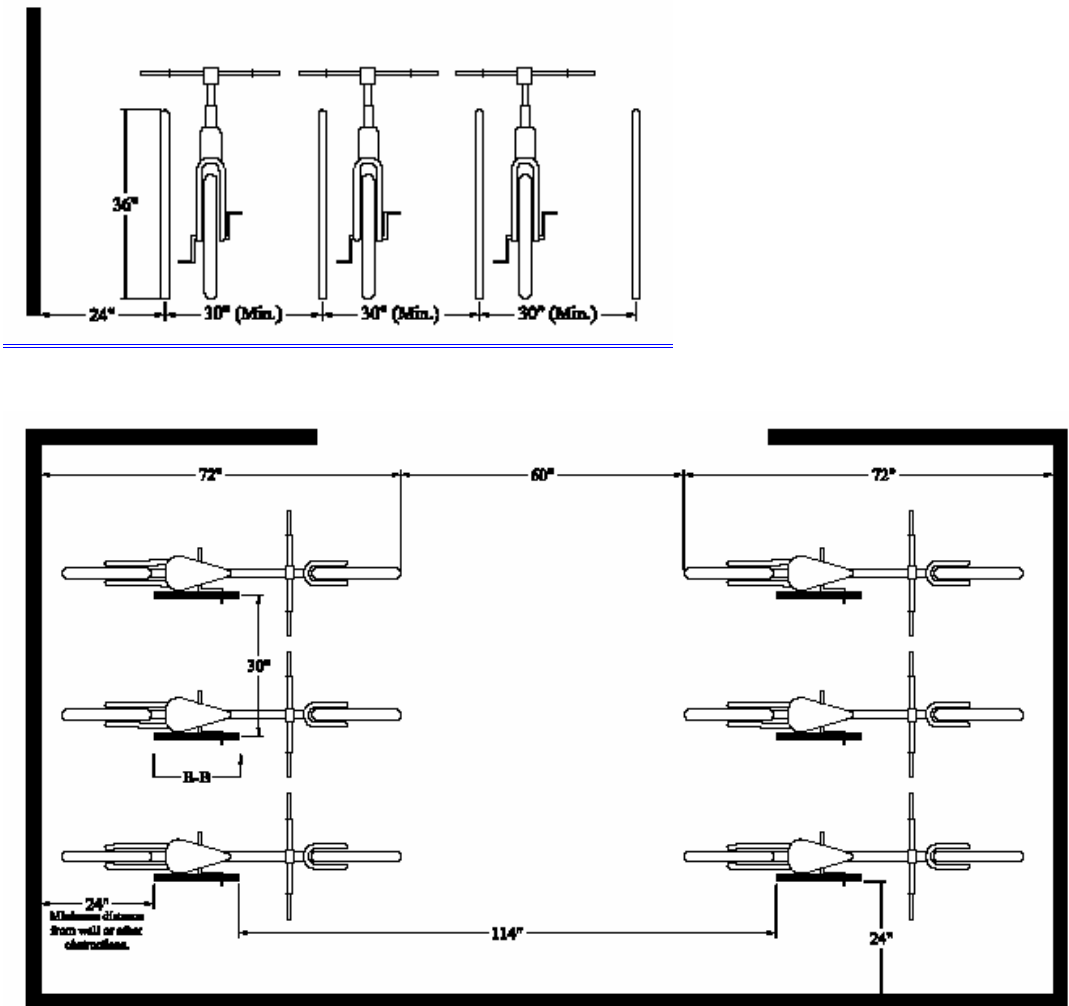


Diagram 2: Bicycle Parking Location and Design.



27.07 Zoning Waiver

27.07.01 The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by no greater than thirty-five (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall be in harmony with the purposes of its respective zoning and land use requirements and the parking requirements contained in this chapter.
- B. The proposal shall enhance the overall Development Plan, the adjoining streetscapes and neighborhoods.
- C. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan.
- D. The proposal shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
- E. The proposal must exhibit extraordinary site design characteristics, including, but not limited to: increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.
- F. The Commission may consider a zoning waiver to allow shared parking on adjacent sites, provided that the following conditions are met:
 - 1. The petitioner demonstrates a difference in peak parking demand or if the different owners share the same patrons or if it is demonstrated that the total parking demand at any one time would be adequately served by the total number of parking spaces.
 - 2. A contractual development agreement between the sharing property owners is provided and approved by the commission. Any existing contracts involving any of the sharing property owners shall be provided for review.
 - 3. Any changes in shared parking agreements or circumstances shall require Commission review of a new zoning waiver.

27.0508 Amount of Parking Spaces Required.

Off-street parking spaces shall be provided and maintained for all uses in accordance with the following minimum requirements, unless otherwise specified herein:

<u>Use:</u>	<u>Parking Requirements:</u>
Amusement Arcade	One space per 300 sq. ft. of floor area
Antique shop	One space per 300 sq. ft. of floor area
Apparel shop	One space per 300 sq. ft. of floor area
Art gallery	One space per 300 sq. ft. of floor area
Art and music center	One space per 300 sq. ft. of floor area
Artificial lake or pond (not part of a plat)	none
Auction room	One space per 300 sq. ft. of floor area
Auto parts and tire center	One space per 300 sq. ft. of floor area
Automobile or mobile homes sales <u>Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales</u>	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Automobile service station	One space per pump plus one space per service bay
Automobile or truck repair (enclosed)	Two spaces per service bay
Bakery	One space per 200 sq. ft. of floor area
Barber Shop	One space per 300 sq. ft. of floor area
Beauty shop	One space per 300 sq. ft. of floor area
Bicycle shop	One space per 300 sq. ft. of floor area
Billiard parlor	One space per 300 sq. ft. of floor area
Boarding or lodging house	One space per bed
Boat sales	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Book store	One space per 300 sq. ft. of floor area
Bowling Alley	Five spaces per alley <u>lane</u>
Business or commercial school <u>School, Trade or Business</u>	Ten spaces per classroom <u>One space per 2 students, based on maximum capacity</u>
Business and electronic machines and equipment sales <u>Equipment Sales/Repair (Indoor)</u>	One space per 300 sq. ft. of floor area
Camera shop	One space per 300 sq. ft. of floor area
Candy or ice cream shop	One space per 200 sq. ft. of floor area

Carnivals, fairs, circuses, etc.	Fifty spaces per acre
Carpet and rug store	One space per 300 sq. ft. of floor area
Car wash (self-serve or automatic)	
Catering establishment	One space per 200 sq. ft. of floor area
<u>Conference/Civic Center</u>	<u>One space for the largest shift of employees plus one (1) space per 150 sq. ft. of floor area.</u>
Cemetery	One space per acre
China or glassware shop	One space per 300 sq. ft. of floor area
Church, temple or other place of worship	One space per four (4) seats in the main place of assembly
Clinic or medical health center	One space per 300 <u>250</u> sq. ft. of floor area
Coin or philatelic store	One space per 300 sq. ft. of floor area
Cold storage locker	One space per 300 sq. ft. of floor area
College or University	Ten spaces per classroom <u>One space per 4 students, based on maximum capacity</u>
Commercial greenhouse	One space per 1,000 sq. ft. of floor area
Commercial parking lot	One additional space per employee
Commercial recreational enterprise or facility <u>Commercial Recreational Facility, Park, or Community Center</u>	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Commercial sanitary landfill or refuse dump <u>Sanitary Landfill, Junk Yard, Salvage Yard</u>	One space per employee plus one space per four acres
Commercial sewage, trash or garbage disposal or recycling plant <u>Commercial Sewage, Trash, Garbage Disposal or Recycling Plant</u>	One space per employee
Commercial uses (retail and office) <u>Retail Sales/General Service</u>	One space per 200 sq. ft. of floor area
Commercial warehouse storage	One space per 500 sq. ft. of interior area plus space per 1,500 sq. ft. of outdoor storage area
Contractor's storage facility	One space per 300 sq. ft. of floor area
Country Club	One space per 200 sq. ft. of floor area
Craft and hobby shop	One space per 300 sq. ft. of floor area
Dance hall	One space per 200 sq. ft. of floor area
Dancing academy	One space per 200 sq. ft. of floor area

Day-nursery <u>Day Nursery/Day Care</u>	One space per employee plus one space per six students
Delicatessen	One space per 200 sq. ft. of floor area
Department store	One space per 300 sq. ft. of floor area
Discount store	One space per 300 sq. ft. of floor area
Dressmaking shop	One space per 300 sq. ft. of floor area
Drive-in restaurant (curb or window service) <u>Restaurant, with Walk-Up/Drive-Thru Food Sales</u>	One space per 50 sq. ft. of floor area
Drug store	One space per 300 sq. ft. of floor area
Dry Cleaning and Laundry (pick-up & delivery only)	One space per 300 sq. ft. of floor area
Dry cleaning establishment	One space per 300 sq. ft. of floor area
Duplicating and blueprint establishment <u>Printing/Publishing Establishment</u>	One space per 300 sq. ft. of floor area
Electrical appliance shop	One space per 300 sq. ft. of floor area
Enclosed storage warehouse <u>Storage, Warehousing, or Distribution</u>	One space per 300 sq. ft. of floor area <u>One space per employee</u>
Exterminating shop	One space per 300 sq. ft. of floor area
Farm implement sales <u>Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales</u>	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Feed store	One space per 300 sq. ft. of floor area
Financial institution	One space per 300 sq. ft. of floor area
Flower shop	One space per 300 sq. ft. of floor area
Food products distributing station	One space per 300 sq. ft. of floor area
Fraternity or sorority	One space per bed
Fuel or ice sales	One space per 300 sq. ft. of floor area
Furniture store	One space per 300 sq. ft. of floor area
Furrier shop	One space per 300 sq. ft. of floor area
Garden shop	One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of outdoor sales area
General Offices <u>Office, General</u>	One space per 300 <u>250</u> sq. ft. of floor area
Gift shop	One space per 300 sq. ft. of floor area
Golf Course	Six spaces per hole
Governmental facilities <u>Public Service Facility or Governmental Facilities</u>	One space per 300 <u>250</u> sq. ft. of floor area or (option) one space per 500 sq. ft. of floor area and one reserved

	space per 500 sq. ft. of floor area, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Grain elevator	One space per 300 sq. ft. of floor area plus one space per elevator
Grocery store	One space per 200 sq. ft. of floor area
Gunsmith	One space per 300 sq. ft. of floor area
Haberdashery	One space per 300 sq. ft. of floor area
Hardware store	One space per 300 sq. ft. of floor area
Health Food Store	One space per 300 sq. ft. of floor area
Health studio	One space per 300 sq. ft. of floor area
Heliport or other aircraft landing facilities Helicopter or Airplane Landing/Service Facility	One space per employee plus adequate additional spaces related to terminal use as approved by the Board
Home occupation	One additional space per 200 sq. ft. of dwelling devoted to home occupation
Hospital	One space per bed plus one space per employee
Hotel, motel	One space per room or suite
Indoor theater	One space per two seats
Industrial establishments, light or heavy	Two spaces per three employees or one space per 300 sq. ft. of floor area, which ever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Insurance office	One space per 300 sq. ft. of floor area
Interior decorating shop	One space per 300 sq. ft. of floor area
Jewelry store	One space per 300 sq. ft. of floor area
Job printing shop	One space per 300 sq. ft. of floor area
Junk or material and/or salvage yard Sanitary Landfill, Junk Yard, Salvage Yard	One space per employee
Kennel, commercial Commercial Kennel	Four spaces
Kennel, residential Residential Kennel	(no additional requirements)
Kindergarten Kindergarten/Pre-School	One space per employee plus one space per six students
Laundry agency	One space per 300 sq. ft. of floor area
Laundry or dry cleaning plant	One space per 300 sq. ft. of floor area
Leather and luggage shop	One space per 300 sq. ft. of floor area
License bureau	One space per 300 sq. ft. of floor area

Locksmith or key shop	One space per 300 sq. ft. of floor area
Lumber or building materials sales (enclosed)	One space per 300 sq. ft. of floor area <u>One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of exterior area</u>
Lumber or building materials storage (unenclosed)	One space per 300 sq. ft. of interior area plus one space per 500 sq. ft. of exterior area
Machinery and equipment sales and services (enclosed)	One space per 300 sq. ft. of floor area
Machine shop	One space per 300 sq. ft. of floor area
Manufacturing Facilities	Two spaces per three employees or one space per 500 sq. ft. of floor area, whichever is greater, plus sufficient space to accommodate all trucks or other vehicles used in connection therewith
Meat market	One space per 500 sq. ft. of floor area
Medical buildings	One space per 250 sq. ft. of floor area
Medical/Optical Laboratory	One space per 300 sq. ft. of floor area
Meeting or party hall	One space per 200 sq. ft. of floor area
Millinery shop	One space per 300 sq. ft. of floor area
Mineral extraction, borrow pit, top soil removal and their storage	One space per employee
Mobile home, temporary uses (one year maximum)	(depends upon proposed use)
Mobile home court	Two spaces per mobile home
Monument sales	One space per 300 sq. ft. of floor area
Mortuary and/or crematory <u>Funeral Home/mortuary/crematory</u>	One space per 50 sq. ft. of public floor area
Motor bus or railroad passenger station <u>Bus/Transit Strip or railroad passenger train</u>	One space per employee plus two <u>one</u> spaces per seat in waiting area
Multiple family dwelling <u>Dwelling, Multiple Family</u>	Two spaces per dwelling unit <u>plus one space per 7 dwellings</u>
Newsdealer	One space per 300 sq. ft. of floor area
Newspaper publishing or printing plant	One space per 300 sq. ft. of floor area
Nursing, retirement or convalescent facility	One space per bed plus one space per employee
Office building	One space per 300 sq. ft. of floor area
Office supply store	One space per 300 sq. ft. of floor area
Office uses not related to permitted manufacturing or other uses	One space per employee plus one space per 200 sq. ft. of sales floor area

Open hearth and blast furnace, coke ovens, brick yards and kilns <u>Coke Ovens/Brick Yards/Kilns/Open Hearth/Blast Furnace</u>	One space per employee
Optician and optical supply	One space per 300 sq. ft. of floor area
Orthopedic and medical appliance and supply sales	One space per 300 sq. ft. of floor area
Outdoor theater	One additional space per employee <u>One space per three seats or maximum capacity of guests</u>
Paint and wallpaper store	One space per 300 sq. ft. of floor area
Pawnshop	One space per 300 sq. ft. of floor area
Penal or correctional institution	One space per employee plus one space per five inmates
Pet shop	One space per 300 sq. ft. of floor area
Photographic studio	One space per 300 sq. ft. of floor area
Photo pick-up station (drive-through type)	Two spaces
Picture framing shop	One space per 300 sq. ft. of floor area
Plant nursery	One space per 300 sq. ft. of indoor area plus one space per acre
Plumbing supply shop	One space per 300 sq. ft. of floor area
Post Office or postal station	One space per official vehicle plus one space per employee plus one space per 500 sq. ft. of floor area
Power Generating Plant	One space per employee
Power transmission line	none
Printing Shop	One space per 300 sq. ft. of floor area
Private airplane or helicopter landing and/or service facility <u>Helicopter or Airplane Landing/Service Facility</u>	One space per aircraft plus one space per employee <u>One space per employee plus adequate additional spaces related to terminal use as approved by the Board</u>
Private club or lodge	One space per 200 sq. ft. of floor area plus one space per two seats (seating capacity) in main place of assembly
Private recreational development or facility Private Recreational Facility	One space per 200 sq. ft. of interior area plus one space per 5,000 sq. ft. of outdoor area
Private water treatment and/or storage facilities	One space per employee
Professional office	One space per 300 sq. ft. of floor area
Race Track	Eighty spaces per acre
Radio and/or television sales -studio	One space per 300 sq. ft. of floor area
Radio or television transmission tower	One space per employee

Raising and breeding of non farm fowl and animals <u>General Agriculture (Farm)</u>	none
Real estate office	One space per 300 sq. ft. of floor area
Recording studio	One space per 300 sq. ft. of floor area
Record shop	One space per 300 sq. ft. of floor area
Recreational uses, related to residential character of district	One space per 200 sq. ft. of floor area or enclosed area and one space per 5,000 sq. ft. of outdoor area
Recreational vehicle sales <u>Recreational Vehicle/Mobile Home/Farm Implement/Automobile/Boat Sales</u>	One space per 300 sq. ft. of indoor area plus one space per 2,000 sq. ft. of outdoor sales area
Reducing salon	One space per 300 sq. ft. of floor area
Religious or charitable institution	One space per 300 sq. ft. of floor area
Rental agency	One space per 300 sq. ft. of floor area plus one space per 1,000 sq. ft. of outside display and storage area
Research laboratory	One space per 300 <u>250</u> sq. ft. of floor area
Restaurant or fast food operation (no outside service) <u>Restaurant, without Drive-Thru Food Sales</u>	One space per every 2.5 patron seats, plus one space per employee per largest shift
Retail sales and service of products not manufactured and/or assembled on site	One space per employee plus one space per 200 sq. ft. of sales floor area
Riding stable	One space per stall
Roadside sales stand	Ten spaces
School of general elementary or secondary education (accredited by the state)	One space per employee plus two spaces per classroom (elementary) or ten spaces per classroom (secondary)
Second hand store	One space per 300 sq. ft. of floor area
Self-service laundry	One space per 200 sq. ft. of floor area
Sheet metal shop	One space per 300 sq. ft. of floor area
Shoe repair shop	One space per 300 sq. ft. of floor area
Shoe store	One space per 300 sq. ft. of floor area
Shooting gallery	One space per 300 <u>1000</u> sq. ft. of floor area
Showroom, for articles to be sold at retail	One space per 300 sq. ft. of floor area
Sign shop	One space for 300 sq. ft. of floor area
Single family dwelling <u>Dwelling, Single Family</u>	Two spaces per dwelling unit (<u>excluding private garage</u>)
Skating rink	One space per 200 sq. ft. of floor area
Specialized contractor shop	One space per 200 sq. ft. of floor area

Sporting goods store	One space per 200 sq. ft. of floor area
Stadium or coliseum	One aere space per four seats
Stationer	One space per 300 sq. ft. of floor area
Storage, utilization or manufacture of explosive materials (does not include petroleum products) <u>Storage, Warehousing, or Distribution</u>	One space per employee
Storage, utilization or manufacture of flammable liquids or gases other than those used by the manufacturing establishments in their operations activities <u>Storage, Warehousing, or Distribution</u>	One space per employee
Storage of material not manufactured or assembled on site <u>Storage, Warehousing, or Distribution</u>	One space per employee
Supermarket	One space per 200 sq. ft. of floor area
Tailor and pressing shop	One space per 300 sq. ft. of floor area
Tavern or night club	One space per 100 sq. ft. of floor area
Taxidermist	One space per 300 sq. ft. of floor area
Tennis or racquetball facility	Two spaces per court
Tobacco shop	One space per 300 sq. ft. of floor area
Toy shop	One space per 300 sq. ft. of floor area
Transportation facilities	One space per employee
Travel service bureau	One space per 300 sq. ft. of floor area
Trucking Terminals	One space per employee plus adequate additional spaces related to terminal use as approved by the Board
Two family dwelling <u>Dwelling, Two Family</u>	Two spaces per dwelling unit (<u>excluding private garage</u>)
Upholstery and/or drapery shop	One space per 300 sq. ft. of floor area
Utility company business office	One space per 300 sq. ft. of floor area
Variety store	One space per 300 sq. ft. of floor area
Veterinary hospital, with kennel <u>Veterinary Hospital</u>	One space per 300 sq. ft. of floor area
Veterinary hospital, without kennel <u>Veterinary Hospital</u>	One space per 300 sq. ft. of floor area
Warehouse facilities	One space per employee
Water management and use facilities	none
Welding shop	One space per 300 sq. ft. of floor area
Wholesale establishment Facility	One space per 300 sq. ft. of floor area

Wholesale sales	One space per employee plus one space per 600 sq. ft. of sales floor area
Dwelling, Attached	Two spaces per dwelling unit (excluding private garage) plus one space per 7 dwellings
Office, Call Center	One space per 150 sq. ft. of floor area

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ordinance Z-485-05 PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Joe Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian Mayo

Fred Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-485-05 Presented by me to the Mayor of the City of Carmel, Indiana this _____ day of _____, 2006, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-485-05 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

MEMORANDUM

TO: Carmel City Council

FROM: Adrienne Keeling
Department of Community Services

SUBJECT: Item forwarded by the Plan Commission for action by the City Council

DATE: February 23, 2006

Please find information on the following item forwarded by the Plan Commission attached. This item will appear on your March 6th agenda.

Forwarded with *favorable* recommendation:

Ordinance Z-487-06 (Docket No. 06010004 Z): Carmel Dr – Range Line Rd Overlay Expansion
Petition to rezone 30 parcels from R1/Residence, B1/Business, B2/Business, B3/Business and I1/Industrial to R1/Residence within the Carmel Drive – Range Line Rd Overlay, B1/Business within the Carmel Drive – Range Line Rd Overlay, B2/Business within the Carmel Drive – Range Line Rd Overlay, B3/Business within the Carmel Drive – Range Line Rd Overlay and I1/Industrial within the Carmel Drive – Range Line Rd Overlay in order to expand the boundaries of the Carmel Drive – Range Line Rd Overlay Zone.
The area is located along Range Line Road from 136th Street to US 31.

Please find enclosed the Plan Commission-certified ordinance to amend the Official Zoning Map to expand the boundary of the Carmel Dr – Range Line Rd Overlay Zone. Included in the ordinance are exhibits which both list and illustrate the affected parcels. The Plan Commission forwarded the Ordinance with a favorable recommendation at its February 21, 2006 meeting. Also included in your packets is an aerial view showing the proposed boundary, and a copy of the development standards of the Overlay (Zoning Ordinance Chapter 23F).

Given the private market's recent investment in this area (Arden, Traditions on the Monon), its position between Clay Terrace and Old Town and its proximity to the Monon and future Cool Creek North Trails, the Department feels the timing is right to put development standards in place which better match the vision for Carmel's Central Core. Certainly, maintenance and upkeep of existing properties is permitted provided that it adheres to existing approved DP/ADLS plans. Further, structures that are destroyed through an act of nature or accident can be rebuilt as they were previously approved. However, new buildings would be built closer to the street with parking behind, creating an inviting and comfortable gateway into Carmel.

The information on this item has been arranged in the following format:

1. Copy of the Ordinance Proposal (Z-487-06)
2. Copy of PC Certification
3. Aerial Map
4. Zoning Ordinance, Chapter 23F: *Carmel Drive – Range Line Road Overlay Zone*

ORDINANCE Z-487-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, REZONING DISTRICT CLASSIFICATION**

Expanding the boundaries of the Carmel Drive – Range Line Road Overlay Zone Classification

WHEREAS, pursuant to Indiana Code 36-7-4, the Common Council has lawfully adopted a zoning ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the City of Carmel, Indiana, and the unincorporated area of Clay Township, Hamilton County, Indiana, which zoning ordinance has been codified in Chapter 10 of the Carmel City Code; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the map that is part of the zoning ordinance; and

WHEREAS, the Carmel City Council of the City of Carmel, Indiana received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, February 21, 2006, regarding the rezoning of the real property, the property description of **Exhibit A**, and which is illustrated in the location map of **Exhibit B** also attached hereto.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. That the Official Zoning Map accompanying and made part of the Zoning Ordinance is hereby changed to designate the real property as being within the Carmel Drive – Range Line Road Overlay Zone.

Section 2. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ordinance Z-487-06 PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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5 _____
6 Presiding Officer

_____ Joseph C. Griffiths

7
8 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

9
10
11 Ronald E. Carter

_____ Brian D. Mayo

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13
14 Fredrick J. Glaser

_____ Mark Rattermann

15
16 ATTEST:

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20 Diana L. Cordray, IAMC, Clerk-Treasurer

21
22
23 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
24 _____ 2006, at _____.M.

25
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28 _____
29 Diana L. Cordray, IAMC, Clerk-Treasurer

30
31 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
32 _____ 2006, at _____.M.

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36 _____
37 James Brainard, Mayor

38 ATTEST:

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42 Diana L. Cordray, IAMC, Clerk-Treasurer

43
44 Prepared by:
45 Adrienne Keeling, Planning Administrator, One Civic Square, Carmel, IN 46032

2/23/2006

Ordinance No. Z-487-06

EXHIBIT A

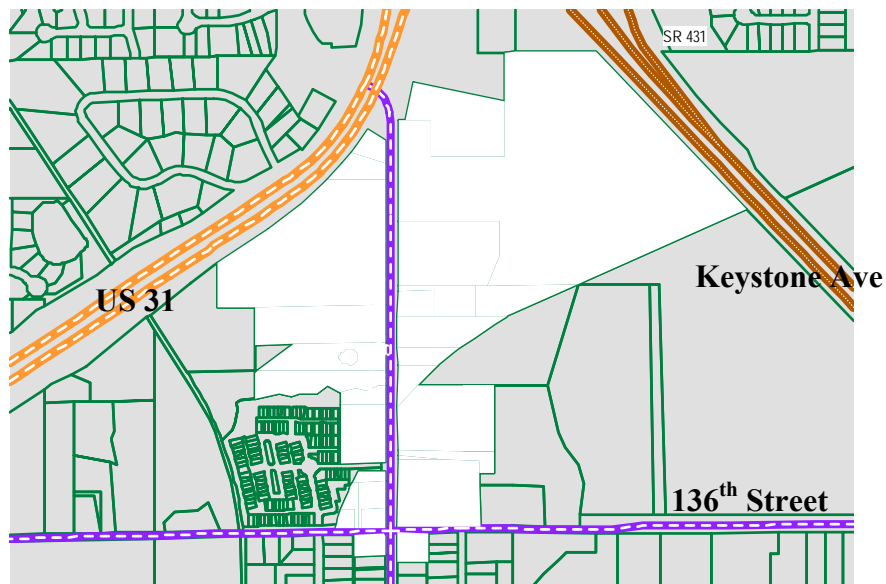
PROPERTY DESCRIPTION

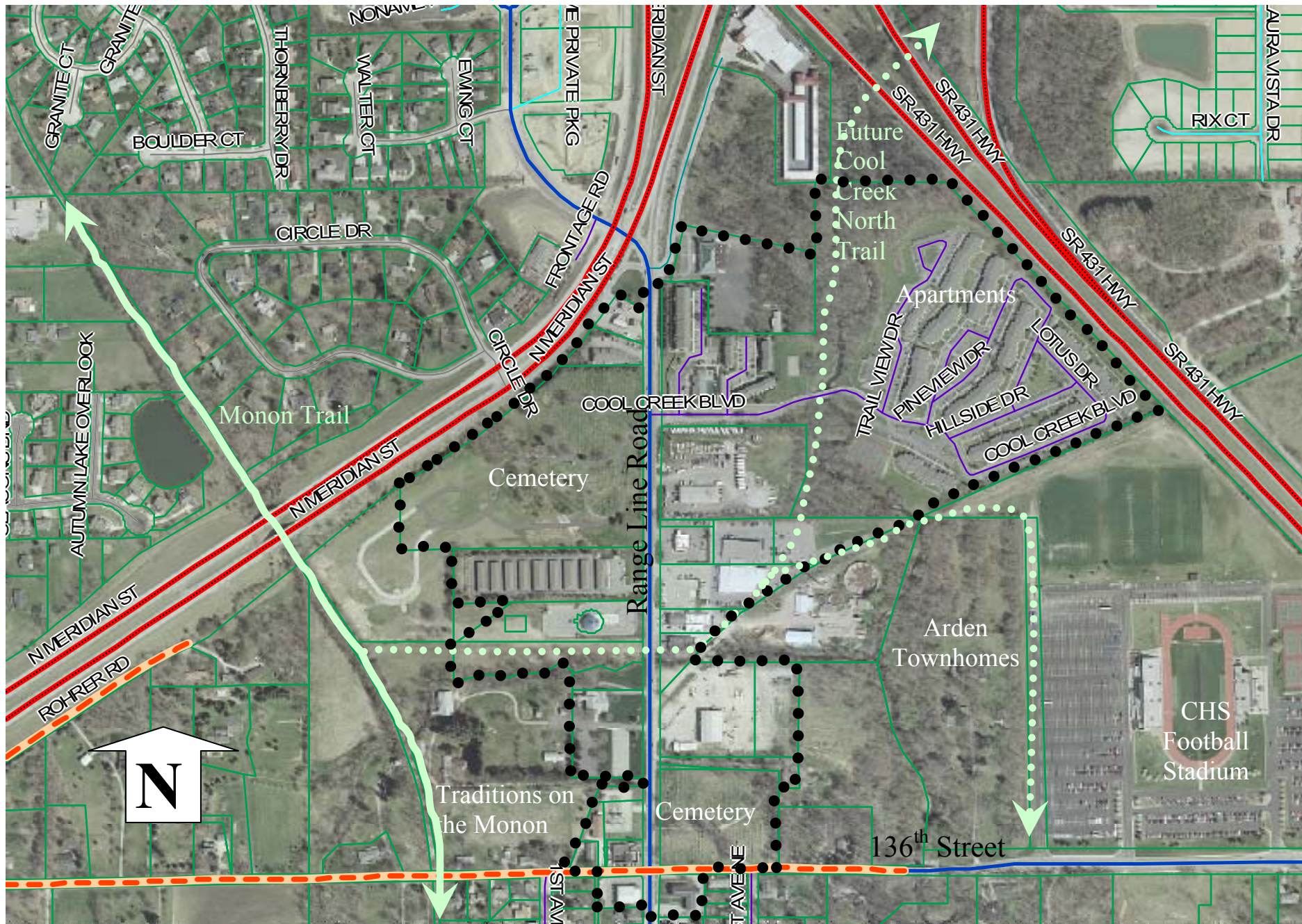
Rezone of properties along Range Line Rd from the US 31 to just south of 136th Street, comprising 30 parcels, also known as Tax Parcel ID numbers:

16-09-24-00-00-022.000	16-09-24-04-05-003.000	16-10-19-00-00-018.000
16-09-24-00-00-023.000	16-09-24-04-05-004.000	16-10-19-00-00-019.000
16-09-24-00-00-026.001	16-09-24-04-05-005.000	16-10-19-00-00-020.000
16-09-24-00-00-026.003	16-09-25-08-02-002.000	16-10-19-00-00-020.001
16-09-24-00-02-001.000	16-10-19-00-00-012.001	16-10-19-00-00-020.002
16-09-24-00-02-002.000	16-10-19-00-00-012.002	16-10-19-00-00-021.000
16-09-24-04-04-001.000	16-10-19-00-00-012.003	16-10-19-00-00-022.000
16-09-24-04-04-002.000	16-10-19-00-00-014.000	16-10-19-00-00-023.000
16-09-24-04-05-001.000	16-10-19-00-00-015.000	16-10-19-00-00-023.001
16-09-24-04-05-002.000	16-10-19-00-00-017.000	16-10-30-05-01-001.000

EXHIBIT B

LOCATION MAP





CARMEL CITY CODE**CHAPTER 10: ZONING & SUBDIVISIONS****ARTICLE 1: ZONING CODE****CARMEL ZONING ORDINANCE****CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY ZONE**

23F.00 Carmel Drive – Range Line Road Overlay Zone.

23F.01 District Boundaries.

23F.02 Plan Commission Approval.

23F.03 Permitted Uses.

23F.04 Special Uses; Prohibited Uses.

23F.05 Building Setbacks.

23F.06 Building Orientation.

23F.07 Building Height.

23F.08 Building Footprint.

23F.09 Construction Materials.

23F.10 Architectural Design.

23F.11 Landscaping.

23F.12 Lighting.

23F.13 Signage.

23F.14 Pedestrian Circulation.

23F.15 Parking.

23F.16 Product, Material & Refuse Storage.

23F.17 Other Requirements.

23F.18 Sunset Provision.

23F.00 Carmel Drive – Range Line Road Overlay Zone.

23F.00.01 Purpose, Intent and Authority. The purpose of this overlay zone is to protect and enhance the health, safety and welfare of the citizens and property owners of Carmel by allowing for the establishment of an uptown business district that will support a range of activities and opportunities to all segments of the community; with mixed-uses in multi-story buildings; is pedestrian oriented and supportive of multiple modes of transportation; with buildings and a streetscape which are attractive and safely designed in order to enhance the livability of the city.

It is the City's intent to achieve the purpose of this zone by:

- Providing a consistent urban design treatment for private and public properties in central Carmel;
- Providing additional opportunities for investment and reinvestment in real estate by mandating higher intensity of development;
- Minimizing suburban sprawl, through re-use and redevelopment of the community's land resources;
- Minimize community infrastructure costs thru the more efficient use of land;
- Providing controls for architecture and landscape design to establish continuity of design between projects and to improve the physical relationship between new buildings and overall community.

Further, it is the intent of this overlay zone to provide a temporary regulation, that will support the ongoing redevelopment of Carmel City Center, and Old Town, and the Avenue of Art and Design, acting as a transition regulation until a specific plan for Carmel's central business district (CBD) is adopted, and which plan will serve as the basis for CBD Zone regulations.

This district is superimposed over the other primary zoning districts and its regulations shall supersede those of the primary zoning districts over which it is superimposed. In establishing this zone, the Plan Commission and Council relies on I.C. 36-7-4-1400 *et seq.*

23F.00.99 Application Procedure.

- A. Development Plan. See Section 24.99(A): *Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See Section 24.99(B): *Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

23F.01 District Boundaries. The boundaries of the Carmel Drive - Range Line Road Corridor Overlay Zone (the Zone) are hereby established as approved on the Zoning Map.

- 23F.01.01 Parcels in the C-1/City Center and C-2/Old Town Districts shall be exempt from the requirements of the Zone.

23F.02 Plan Commission Approval.

- 23F.02.01 The Plan Commission must approve, approve with conditions, or disapprove the Development Plan (DP) and Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) for any tract of land in the Carmel Drive – Range Line Road Corridor Overlay Zone as required in Sections 23F.02.02 and 23F.02.03.

- 23F.02.02 Development Plan. A public hearing shall be held by the Commission before it decides whether to approve or disapprove a DP. A DP shall be required for additions to existing structures which exceed the following:

- A. Fifty percent (50%) of the original gross floor area of the existing structure, applicable from the date of this ordinance.

- 23F.02.03 Architectural Design, Exterior Lighting, Landscaping and Signage. The Commission shall review and approve or approve with conditions the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS), access to property, site layout, parking and site circulation, consistent with the provisions set forth in Section 23F.08 through Section 23F.16, Section 24.03 and such approvals shall be necessary prior to:

- A. The establishment of any use of land;
- B. The issuance of any Improvement Location Permit, except maintenance and/or repairs consistent with previously approved ADLS. In cases where properties were developed prior to ADLS requirement, maintenance and/or repairs shall be consistent with the previously approved Improvement Location Permit;
- C. Any change in site improvements which are not consistent with previously approved ADLS. In cases where properties were developed prior to ADLS requirement, changes in site improvements shall be consistent with the previously approved Improvement Location Permit.

- 23F.02.04 Zoning Waiver. The Commission may, after a public hearing, grant a Zoning Waiver of the

dimensional and quantitative standards of this Chapter, by not greater than thirty-five percent (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall enhance the overall Development Plan and the adjoining streetscapes and neighborhoods.
- B. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan or the District, and shall not adversely affect emergency vehicle access.
- C. The proposal shall exhibit extraordinary site design characteristics, including, but not limited to: Increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

In granting a waiver, the Commission may impose such conditions that will, in its judgment, secure the purposes of this Chapter. This Section does not affect the right of the applicant under Indiana law to petition the Board for a variance from development standards provided under IC 36-7-4-918.5 and this Zoning Ordinance.

23F.03 Permitted Uses. See Appendix A – Schedule of Uses.

- 23F.03.01 All Uses which are permitted in the underlying primary zoning district(s), except those uses expressly prohibited by Section 23F.04, are permitted in the Zone.
- 23F.03.02 Residential uses are permitted; however, it shall not comprise more than seventy-five percent (75%) of a project's gross floor area in districts where residential is not permitted in the underlying zoning district.

23F.04 Special Uses; Prohibited Uses. See Appendix A – Schedule of Uses.

23F.04.01 Special Uses.

All Special Uses which are permitted (upon obtaining a Special Use approval from the Board) in the underlying zoning district(s), except those uses expressly excluded in this Section or in Appendix A: Schedule of Uses, are permitted in the Overlay Zone upon the approval of the Board. In addition, any Use existing at the time of the passage of this Chapter which does not conform to *Section 23F.03: Permitted Uses* but which otherwise does conform to the applicable Use provisions of the underlying zoning district(s), shall be deemed to be and shall be a Special Use under this Chapter. Such Uses shall not be considered legal nonconforming uses nor require Special Use approval for continuance but shall require Special Use approval for any alteration, enlargement or extension.

23F.04.02 Prohibited Uses.

- A. Automobile, Truck, Boat, Mobile Home, Manufactured Housing or RV Sales.
- B. Sexually Oriented Businesses
- C. All Industrial Uses in Appendix A

23F.04.03 Restoration after Destruction of Building.

Nothing in this Chapter shall prevent the restoration of a building or structure destroyed one hundred percent (100%) or less of its square footage at the time of such destruction by explosion, fire, flood, earthquake, windstorm, act of God, riot or act of a public enemy, subsequent to the passage of this Chapter; or shall prevent the continuance of the use, except an illegal nonconforming use, of such building, structure or part thereof, as such use existed at the time of such impairment of such building, structure or part thereof. All such restoration and construction shall be subject to the obtaining of an Improvement Location Permit, with the fees waived for the restoration of a building or structure destroyed one hundred percent

(100%) or less and restored according to its state of existence prior to destruction. All restorations resulting in a divergence from original plans shall be subject to obtaining an Improvement Location Permit and payment of fees and comply with Sections 23F.09 and 23F.10.

23F.05 Building Setbacks.

23F.05.01 Build-to Line.

- A. Minimum: Zero (0) feet, subject to recorded utility easement(s).
- B. Maximum: Ten (10) feet, subject to recorded utility easement(s) and to subparagraph C below.
- C. Up to seventy-percent (70%) of the front façade may be recessed for entrances and outdoor seating; however, no entrance shall be recessed more than ten (10) feet, and no outdoor seating area shall be recessed more than twenty (20) feet, subject to Commission approval.

23F.05.02 Side and Rear Setbacks. There are no minimum side or rear setbacks; however, no buildings or other permanent improvement shall encroach into required landscape areas.

23F.05.03 Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the State Highway 431/Keystone Avenue Corridor Overlay Zone and the Carmel Drive – Range Line Road Overlay Zone, the State Highway 431/Keystone Avenue Corridor Overlay Zone shall govern.

23F.06 Building Orientation.

- 23F.06.01 Every parcel with frontage on Carmel Drive and/or Range Line Road must have a building that fronts on those streets.
- 23F.06.02 Except for those lots with 120 feet or less of frontage on a public street, every parcel must have a building that occupies a minimum of 70% of that frontage.
- 23F.06.03 Buildings on lots with 120 feet or less of frontage on a public street must occupy the maximum amount of frontage, except for driveways, sidewalks and landscape areas, as required by the Ordinance.
- 23F.06.04 Additional buildings may be built in the rear of the property.
- 23F.06.05 All Principal Buildings shall face a public street, with a primary entrance from a public street.
- 23F.06.06 The primary entrance must be readily apparent as a prominent architectural feature and visible from the street.

23F.07 Building Height.

- 23F.07.01 Principal Buildings must have at least two floors of occupiable space. The second and higher floors must be at least fifty percent (50%) the size of the building footprint and must be oriented to the front of the building such that its front line is equal to that of the first floor.
- 23F.07.02 Minimum height: twenty-six (26) feet
- 23F.07.03 Maximum height:
 - A. Thirty-five (35) feet, or three stories, whichever is greater, if adjacent to single-family residential zone.

B. Fifty-five (55) feet, or five (5) stories, whichever is greater.

23F.08 Building Footprint.

23F.08.01 Minimum: 0.5 Floor Area Ratio (FAR).

23F.08.02 Maximum: 40,000 square feet.

23F.09 Construction Materials.

23F.09.01 Principal Buildings must be faced on front and sides with brick, stone, stucco or similarly detailed precast concrete and trimmed in metal, stone, precast concrete, wood, stucco, or brick.

23F.09.02 Rear building façade materials may vary, however, its material colors and composition must be coordinated with the front and side façades.

23F.10 Architectural Design. Buildings in the Zone must include the following characteristics:

23F.10.01 Ground and upper floors with transparent glass; ground floor elevations must incorporate the transparent glass as a significant component.

23F.10.02 A distinct cornice line at the top of the wall and intermediate horizontal elements, such as a trim at the top of the ground floor are optional.

23F.10.03 The façade shall be provided relief by windows and surrounds, storefronts, doors, and features such as special brick coursing, pilasters and lintels.

23F.10.04 The first floor and all other floors will have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.

23F.10.05 When applicable, retail storefronts shall be oriented along the public street front of the first floor of the building, except for pedestrian entrances to parking areas or small entrance lobbies for upper floors.

23F.10.06 Every face of the building with frontage on a public street must have openings for windows.

23F.10.07 Large expanses of glass are allowed, but the building may not be constructed entirely of a metal and glass curtain wall.

23F.10.08 Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Metal or aluminum awnings are prohibited.

23F.10.09 Pedestrian scale detailing is encouraged on the front elevation of the building at the ground level. Because the buildings are viewed very close up, all buildings should exhibit articulated detail and ornament that is scaled to the pedestrian.

23F.10.10 Rooftop mechanical and telecommunication equipment shall be fully screened on all sides using parapets, penthouse screens or other similar method and which are integrated into the overall building design and approved by the Commission.

23F.11 Landscaping.

23F.11.01 Shade trees shall be planted within the street right-of-way, parallel to each street, per the

-
- standards of the City. Maximum spacing between trees shall be fifty (50) feet, and a minimum of thirty (30) feet.
- 23F.11.02 A five-foot (5') wide planting strip shall be provided along the sides and rear of all parking areas. The minimum planting shall include two (2) shade trees and thirty (30) shrubs per 100 linear feet.
- 23F.11.03 Parking areas shall be located at the rear or side of buildings, and screened from the sidewalk by low walls, low fences, or hedges.
- 23F.11.04 Shade trees shall be planted within parking areas greater than 10,000 square feet. There shall be planted one (1) shade tree and five (5) shrubs per every nine (9) spaces.
- 23F.11.05 The design of fencing, sound walls, trash enclosures and similar site elements shall replicate the architecture of the Principal building(s) in construction material and detailing.
- 23F.11.06 Sites with existing trees or stands of trees shall protect and incorporate them into the overall site design. The landscape plan must preserve not less than 50% of all trees that are 6" DBH or larger and located within the required yard/setback areas.
- 23F.11.07 All landscaping approved as part of an ADLS plan shall be installed prior to issuance of a Certificate of Occupancy by the Department. If it is not possible to install the approved landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Final Certificate of Occupancy for the amount equal to the total installed cost of the remaining, uninstalled landscape material.
- 23F.11.08 It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the ADLS Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds. Street trees in this zone will be maintained by the City.
- 23F.11.09 All landscaping is subject to approval by the Commission. No landscaping which has been approved by the Plan Commission may later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director or his designee in order to conform to specific site conditions.
- 23F.11.10 Ground level mechanical/ telecommunication equipment shall be screened from the Street and any adjoining residential zones or uses using walls, fencing, landscaping, or other method approved by the Commission.
- 23F.12 Lighting.
- 23F.12.01 Street lighting shall be provided as part of all projects, on both sides of the street when possible, and spaced no less than one hundred (100) feet apart, and of a design per the adopted City style.
- 23F.12.02 Exterior lighting of the building or site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. For any use abutting single-family residential uses, illumination levels shall not exceed 0.5 foot candles at the property line.
- 23F.12.03 Exterior lighting shall be architecturally integrated with the building style, material and color. Rooftop lighting shall be prohibited.
- 23F.12.04 All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.
-

- 23F.12.05 The maximum height of light standards in parking areas shall not exceed the building height, or twenty-five (25) feet, whichever is less. When light standards abut or fall within ninety (90) feet of single family residential, their height shall not exceed fifteen (15) feet.

23F.13 Signage.

- 23F.13.01 Prohibited signs:
- A. Ground Signs
 - B. All other signs specified in *Section 25.07.01-4: Prohibited Signs.*
- 23F.13.02 Wall signs are allowed provided that they fit within the horizontal and vertical elements of the building and not obscure details of the building. No sign shall be allowed to extend above the cornice line of a building. Size shall be determined by Sign Chart A of *Section 25.07: Sign Ordinance.*
- 23F.13.03 In cases where Wall Signs are located less than five feet (5') from a right-of-way line, the Wall Sign shall be deemed to be located five (5) feet from the right-of-way for purposes of applying Sign Chart A to determine the allowable sign area.

23F.14 Pedestrian Circulation.

- 23F.14.01 Sidewalks along public streets shall be a minimum of eight (8) feet in width.
- 23F.14.02 Walkways shall be provided on at least one side of the building and shall provide access between rear parking areas and Principal building entrances or the street. Unless otherwise noted in this ordinance, the minimum width for walkways shall be six (6) feet.
- 23F.14.03 Neither sidewalks nor walkways shall be used by automotive traffic.
- 23F.14.04 Pedestrian access shall be coordinated with and provided to adjoining properties.

23F.15 Parking.

- 23F.15.01 Parking areas shall be setback not less than six (6) feet behind the Front Build-to-Line.
- 23F.15.02 Parking areas shall be located at the rear or side of buildings, and screened per *Section 23F.11.03.*
- 23F.15.03 Parking space dimensions shall be 9' x 20', or 10' x 18', including two (2) feet for bumper overhang.
- 23F.15.04 Adjacent/adjoining parking lots shall be interconnected either by alley or internal driveway, and coordinated to accommodate pedestrian access.
- 23F.15.05 Paths within parking lots of more than three rows shall be designated to accommodate pedestrians safely from parking areas to sidewalks, walkways and/or building(s). Such paths may consist of striping.
- 23F.15.06 Bicycle parking shall be provided, one space per 100 feet of street frontage.

23F.16 Product, Material & Refuse Storage.

- 23F.16.01 Material or product storage shall occur within the Principal building or an Accessory building.
- 23F.16.02 Any Accessory Building for storage shall:

-
- A. Be architecturally compatible with the Principal building and integrated into the overall site layout.
 - B. Be approved by the Commission.
- 23F.16.03 Any Accessory Building for storage or disposal of refuse shall:
- A. Accommodate waste and recyclable materials, and, if applicable, grease or other cooking refuse.
 - B. Be fully enclosed except for doors or gates which are kept closed unless loading or unloading.
 - C. Be architecturally compatible with the Principal building and integrated into the overall site layout.
 - D. Be approved by the Commission.

23F.17 Other Requirements.

All other requirements not mentioned in this Section shall remain as stated for that primary zoning classification district mapped.

23F.18 Sunset Provision.

This Chapter expires December 31, 2006.

**CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY ZONE
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-444-04	04010027 OA	December 20, 2004	January 19, 2005	

ORDINANCE D-1795-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 8, ARTICLE 4, SECTION 8-37 OF THE CARMEL CITY CODE**

WHEREAS, the Common Council has previously established loading/unloading zones within the City's corporate limits; and

WHEREAS, it is now prudent and in the best interests of public safety and welfare to establish an additional loading/unloading zone in the City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 8, Article 4, Section 8-37 of the Carmel City Code should be and the same is hereby amended to add a sub-paragraph (a)(2) to read as follows:

"Sect. 8-37. (a)(2) On the south side of West Main Street in the first two marked parking spaces located east of the Monon Trail."

Section 3. The Carmel Street Department shall post appropriate signs and markings on the above-described public street.

Section 4. The remaining provisions of Carmel City Code Chapter 8, Article 4, Section 8-37 are not affected by this Ordinance and remain in full force and effect.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006,
at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____
2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1795-06

Page Two of Two Pages

Prepared by Office of City Attorney, Douglas C. Haney

SPONSOR(s): Councilor(s) Kirby and Sharp

ORDINANCE D-1798-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AUTHORIZING THE ISSUANCE OF THE CITY OF CARMEL, INDIANA TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2006 A (INDIANA DESIGN CENTER, LLC PROJECT), AND THE LENDING OF THE PROCEEDS THEREOF TO INDIANA DESIGN CENTER, LLC, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Carmel, Indiana (the “City”), is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the “Act”), is authorized and empowered to adopt this ordinance (this “Bond Ordinance”) and to carry out its provisions;

WHEREAS, Indiana Design Center, LLC (the “Borrower”), desires to finance the construction of certain parking facilities and related improvements in or directly serving and benefiting the CRC Parcel #12 Economic Development Area (collectively, the “Projects”);

WHEREAS, the Borrower will complete the Projects for use in connection with its mixed use retail and office development in or directly serving and benefiting the CRC Parcel #12 Allocation Area (the “Facilities”);

WHEREAS, the Borrower has advised the City of Carmel Economic Development Commission (the “Commission”) and the City that it proposes that the City issue its Taxable Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, Inc. Project) in an amount not to exceed Four Million Dollars (\$4,000,000) (the “Bonds”), under the Act and loan the proceeds of such Bonds to the Borrower for the purpose of financing the Projects;

WHEREAS, the completion of the Projects results in the diversification of industry, the creation of approximately fifty (50) jobs and the creation of business opportunities in the City;

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance the Projects;

WHEREAS, on the date specified in the notice of the Public Hearing, the Commission held the Public Hearing on the Projects and received uncontroverted evidence that there are no facilities which are similar to the Projects and have already been constructed or operating in or near the City; and

WHEREAS, the Commission has performed all actions required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to the Common Council the forms of: (1) a Loan Agreement between the City and the Borrower (including a form of Note) (the “Loan Agreement”); (2) a Trust Indenture between the City a trustee to be selected by the Clerk-Treasurer of the City (the “Trustee”) (the “Indenture”); (3) the

Bonds; and (4) this Bond Ordinance (the Loan Agreement, the Indenture, the Bonds, and this Bond Ordinance, collectively, the “Financing Agreements”);

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THAT:

Section 1. Findings; Public Benefits. The Common Council hereby finds and determines that the Projects involve the acquisition, construction and equipping of an “economic development facility” as that phrase is used in the Act; that the Projects will increase employment opportunities and increase diversification of economic development in the City, will improve and promote the economic stability, development and welfare in the City, will encourage and promote the expansion of industry, trade and commerce in the City and the location of other new industries in the City; that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is used in the Act) which will be required by the Project; and, therefore, that the financing of the Projects by the issue of the Bonds under the Act: (i) will be of benefit to the health and general welfare of the City; and (ii) complies with the Act.

Section 2. Approval of Financing. The proposed financing of the Projects by the issuance of the Bonds under the Act, in the form that such financing was approved by the City of Carmel Economic Development Commission, is hereby approved.

Section 3. Authorization of the Bonds. The issuance of the Bonds, payable solely from revenues and receipts derived from the Financing Agreements, is hereby authorized.

Section 4. Terms of the Bonds. (a) The Bonds, in the aggregate principal amount not to exceed Four Million Dollars (\$4,000,000), shall (i) be executed at or prior to the closing date by the manual or facsimile signatures of the Mayor and the Clerk-Treasurer of the City; (ii) be dated as of the date of their delivery; (iii) mature on a date not later than thirty years after the date of issuance; (iv) bear interest at such rates as determined with the purchaser thereof (the “Purchaser”); (v) be issuable in such denominations as set forth in the Financing Agreements; (vi) be issuable only in fully registered form; (vii) be subject to registration on the bond register as provided in the Indenture; (viii) be payable in lawful money of the United States of America; (ix) be payable at an office of the Trustee as provided in the Indenture; (x) be subject to optional redemption prior to maturity and subject to redemption as otherwise provided in the Financing Agreements; (xi) be issued in one or more series; and (xii) contain such other terms and provisions as may be provided in the Financing Agreements.

(b) The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City, payable solely from revenues and other amounts derived from the Financing Agreements. Forms of the Financing Agreements are before this meeting and are by this reference incorporated in this Bond

Ordinance, and the Clerk-Treasurer of the City is hereby directed, in the name and on behalf of the City, to insert them into the minutes of the Common Council and to keep them on file.

Section 5. Sale of the Bonds. The Mayor and the Clerk-Treasurer of the City are hereby authorized and directed, in the name and on behalf of the City, to sell the Bonds to the Purchaser at such prices as are determined on the date of sale and approved by the Mayor and the Clerk-Treasurer of the City.

Section 6. Execution and Delivery of Financing Agreements. The Mayor and the Clerk-Treasurer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse and deliver the Loan Agreement, the Note from the Borrower to the City, the Indenture, and the Bonds, submitted to the Common Council, which are hereby approved in all respects.

Section 7. Changes in Financing Agreements. The Mayor and the Clerk-Treasurer of the City are hereby authorized, in the name and on behalf of the City, without further approval of the Common Council or the Commission, to approve such changes in the Financing Agreements as may be permitted by Act, such approval to be conclusively evidenced by their execution thereof.

Section 8. General. The Mayor and the Clerk-Treasurer of the City, and each of them, are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or either of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Bond Ordinance (including the preambles hereto and the documents mentioned herein), the Projects, the issuance and sale of the Bonds, and the securing of the Bonds under the Financing Agreements, and any such execution, endorsement, performance or doing of other things heretofore effected be, and hereby is, ratified and approved.

Section 9. Binding Effect. The provisions of this Bond Ordinance and the Financing Agreements shall constitute a binding contract between the City and the holders of the Bonds, and after issuance of the Bonds this Bond Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds as long as the Bonds or interest thereon remains unpaid.

Section 10. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

Section 12. Copies of Financing Agreements on File. Two copies of the Financing Agreements incorporated into this Bond Ordinance were duly filed in the office of the Clerk-Treasurer of the City, and are available for public inspection in accordance with I.C. § 36-1-5-4.

PASSED by the Common Council of the City of Carmel, this ____ day of _____, 2006, by a vote of ____ ayes and ____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel this ____ day of _____, 2006,
at _____.M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____, 2006, at _____.M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer of
the City of Carmel, Indiana

Prepared by: Bruce D. Donaldson
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204

INDS01 BDD 829225v1

RESOLUTION NO. EDC __-2006

**A RESOLUTION APPROVING AND AUTHORIZING CERTAIN ACTIONS
AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED
TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS**

WHEREAS, the City of Carmel, Indiana (the “City”), is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the “Act”) to issue revenue bonds for the financing of economic development facilities, and loan the proceeds of the revenue bond issue to another entity to finance or refinance the acquisition, construction, renovation, installation and equipping of said facilities;

WHEREAS, Indiana Design Center, LLC (the “Borrower”) desires to finance the construction certain parking facilities and related improvements in or directly serving and benefiting the CRC Parcel #12 Economic Development Area (the “Projects”);

WHEREAS, the Borrower will complete the Projects for use in connection with its mixed use retail and office development in or directly serving and benefiting the CRC Parcel #12 Allocation Area;

WHEREAS, the Borrower has advised the City of Carmel Economic Development Commission (the “Commission”) and the City that it proposes that the City issue its Taxable Economic Development Revenue Bonds, Series 2006 A, in an amount not to exceed Four Million Dollars (\$4,000,000) (the “Bonds”) under the Act and loan the proceeds of such Bonds to the Borrower for the purpose of financing the Projects;

WHEREAS, the Commission has studied the Projects and the proposed financing of the Projects and their effect on the health and general welfare of the City and its citizens;

WHEREAS, the completion of the Projects results in the diversification of industry, the creation of approximately fifty (50) new jobs and the creation and retention of business opportunities in the City;

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance the Projects; and

WHEREAS, on the date hereof the Commission held the public hearing on the Projects and received uncontroverted evidence that there are no facilities which are similar to the Projects and have already been constructed or operating in or near the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CARMEL ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. The Commission hereby finds, determines, ratifies and confirms that the diversification of industry, the retention of business opportunities and the retention of opportunities for gainful employment within the jurisdiction of the City is desirable, serves a public purpose, and is of benefit to the health and general welfare of the City; and that it is in the

public interest that the City take such action as it lawfully may to encourage the diversification of industry, the retention of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the City.

SECTION 2. The Commission hereby makes a finding of fact, based upon the uncontroverted evidence presented at the Public Hearing, that there are no facilities which are similar to the Projects and already constructed or operating in or near the City and, based upon such finding of fact, hereby determines that the Projects will not have, and have not had, an adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION 3. The Commission hereby approves the report with respect to the Projects presented at this meeting. The Secretary of this Commission shall submit such report to the executive director or chairman of the plan commission of the City.

SECTION 4. The Commission finds, determines, ratifies and confirms that the issuance and sale of the Bonds in an amount not to exceed Four Million Dollars (\$4,000,000), and the loan of the proceeds of the Bonds to the Borrower for the financing of the Projects will be of benefit to the health and general welfare of the City, will serve the public purposes referred to above in accordance with the Act, and fully comply with the Act.

SECTION 5. The financing of the Projects through the issuance of the Bonds, in an amount not to exceed Four Million Dollars (\$4,000,000), is hereby approved.

SECTION 6. The Commission hereby approves the terms of the following documents in the form presented at this meeting: (i) a Loan Agreement (including a form of Note) between the City and the Borrower; (ii) a Trust Indenture, between the City and a trustee to be selected by the Clerk-Treasurer of the City (the "Trustee"); (iii) the Bonds; and (iv) an Ordinance of the Common Council of the City.

SECTION 7. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by him to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this resolution (including the preambles hereto and the documents mentioned herein), the Projects and the issuance and sale of the Bonds, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 8. The Secretary of this Commission shall transmit this resolution, together with the forms of the documents approved by this resolution, to the Common Council of the City.

SECTION 9. This resolution shall be in full force and effect upon adoption.

Adopted this 20th day of March, 2006.

CITY OF CARMEL ECONOMIC
DEVELOPMENT COMMISSION

Ersal Ozdemir, President

Michael J. Rusnak, Vice President

Luci Snyder, Secretary

**REPORT OF THE CITY OF CARMEL
ECONOMIC DEVELOPMENT COMMISSION CONCERNING
THE PROPOSED FINANCING OF ECONOMIC DEVELOPMENT
FACILITIES FOR INDIANA DESIGN CENTER, LLC**

The City of Carmel Economic Development Commission (the “Commission”) proposes to recommend to the Common Council of the City of Carmel, Indiana (the “City”), that it loan the proceeds of certain taxable economic development revenue bonds to Indiana Design Center, LLC (the “Applicant”) for the financing of certain economic development facilities in the City.

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of the construction of parking facilities and related facilities to support the Applicant’s mixed use retail and office development in or directly serving and benefiting the CRC Parcel #12 Economic Development Area (the “Projects”).

B. The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Projects, because any such works or services already exist or will be provided by the Applicant or other parties.

C. The Commission estimates that the total costs of financing the Projects will be approximately \$4,000,000.

D. The Commission estimates that the Projects will create approximately 50 jobs with an annual payroll of approximately \$2,000,000.

E. There are no facilities similar to the Projects that are already constructed or operating in the City, and consequently, the Projects will have no adverse competitive effect on similar facilities already constructed or operating in the City of Carmel, Indiana.

Adopted this 20th day of March, 2006.

Secretary, City of Carmel
Economic Development Commission

Attest:

President, City of Carmel
Economic Development Commission

ORDINANCE D-1799-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
PERTAINING TO BIDDING ON CERTAIN PUBLIC WORKS PROJECTS**

WHEREAS, the City is authorized to enter into contracts for the construction, alteration and renovation of public buildings and structures that are paid for out of public funds; and

WHEREAS, Indiana Code 36-1-12 does not regulate City public works projects of less than Fifty Thousand Dollars (\$50,000.00) in value; and

WHEREAS, several recent public works projects with values of less than Fifty Thousand Dollars (\$50,000.00) have been awarded to persons who are City employees, which has been viewed by some members of the public as suggesting that City employees have an unfair advantage in seeking such projects; and

WHEREAS, although the Common Council has no knowledge nor belief that any City employee has actually obtained any advantage in seeking any City public works project, it is very important that the public's trust not be diminished by even the suggestion of impropriety regarding the awarding of such projects; and

WHEREAS, to ensure that the public appearance, as well as the actuality, of impartiality is present in the awarding of all City public works projects, it is proper to now prohibit any full-time City employee, as well as any member of such employee's immediate family, from being eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00) and paid primarily or wholly out of public funds.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 5, Section 2-183 should be and the same is hereby adopted and added to the Carmel City Code and shall read as follows:

"Sec. 2-183 Immediate Family Bidding Restriction On Public Works Projects.

- a. No full-time employee of the City, nor such person's spouse, nor anyone within the first degree of consanguinity of such person or of such person's spouse (e.g., within one degree of relationship by blood or marriage) shall be eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00), eighty percent (80%) or more of which is paid out of public funds.

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The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

- b. Any quote or other proposal received by the City in violation of this Section shall be deemed null and void and shall not be considered when awarding the public works project contract to which it relates."

Section 3. The remaining provisions of Carmel City Code Chapter 2, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06

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Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____,
2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____
2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06
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